

16.10.2023
Court No. 13
Item No. 26
AP

FA 128 of 1996
With
IA NO: CAN 1 of 1997 (Old No: CAN 8728 of 1997)
(not found in the file)
With
CAN 3 of 2013 (Old No: CAN 2255 of 2013)
With
CAN 4 of 2013 (Old No: CAN 2256 of 2013)

Dr. Biswanath Patra & Anr.
Vs.
Arindam Ganguly and Anr.

Mr. Goutam Acharya

... For the appellant/applicant.

Re.: CAN 3 of 2013 (Old No: CAN 2255 of 2013)

1. Despite service of notice, respondents are not represented.
2. Affidavit of service filed in Court today is taken on record.
3. The application being CAN 3 of 2013 (Old No: CAN 2255 of 2013) has been filed seeking condonation of delay.
4. For the reasons stated in the application, the same is allowed. Delay in filing the application being CAN 4 of 2013 (Old No: CAN 2256 of 2013) is condoned.
5. Accordingly, CAN 3 of 2013 (Old No: CAN 2255 of 2013) is allowed.

Re.: CAN 4 of 2013 (Old No: CAN 2256 of 2013)

6. This application has been filed for substitution of respondent No.2, Smt. Alok Mukherjee, who died on January 2013.

7. Let Tapan Kumar Mukherjee, Tarun Kumar Mukherjee and Tapas Kumar Mukherjee residing at 2B, Kundu Road, Police Station- Kalighat (previously Bhowanipur), Kolkata – 700025 be substituted in place of the deceased Smt. Aloka Mukherjee, respondent No.2.

8. Registry shall carry out the amendments in the cause title of the Memorandum of Appeal and in the paper books.

9. Accordingly, CAN 4 of 2013 (Old No: CAN 2256 of 2013) is allowed.

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10. Let notice be served on the substituted respondents, indicating that the matter shall be taken up on 4th December, 2023.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)